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**OFFICE OF PETITIONS**

In re Application of  
Ronald W. McGehee  
Application No. 10/799,600  
Filed: March 15, 2004  
Attorney Docket No.: P08207US02/MP

ON PETITION

This is a decision regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed September 3, 2004.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28( c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc., 154 F.33d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**. However, petitioner is ultimately responsible for ensuring that the correct fee is paid.

Small entity status will no longer apply.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (703) 305-9285.

This file is being forwarded to Technology Center 3725 for examination in due course.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions